

115TH CONGRESS  
2D SESSION

# H. R. 4949

To direct the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Health and Human Services, and the Director of the Federal Communications Commission to take certain actions regarding civil defense related to the growing ballistic missile threat and the communications errors in Hawaii on January 13, 2018, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2018

Ms. GABBARD (for herself, Mr. YOUNG of Alaska, and Ms. HANABUSA) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Health and Human Services, and the Director of the Federal Communications Commission to take certain actions regarding civil defense related to the growing ballistic missile threat and the communications errors in Hawaii on January 13, 2018, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1   **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Civil Defense Account-  
3   ability Act of 2018”.

4   **SEC. 2. FINDINGS.**

5       Congress finds the following:

6           (1) On January 13, 2018, a ballistic missile  
7   alert reading: “BALLISTIC MISSILE THREAT  
8   INBOUND TO HAWAII. SEEK IMMEDIATE  
9   SHELTER. THIS IS NOT A DRILL” was sent in  
10   error to individuals in the State of Hawaii, and was  
11   not corrected for 38 minutes, traumatizing Hawaii  
12   residents and visitors.

13          (2) The National Security Strategy of the  
14   President, dated December 18, 2017, noted the fol-  
15   lowing:

16              (A) “As missiles grow in numbers, types,  
17   and effectiveness, to include those with greater  
18   ranges, they are the most likely means for  
19   states like North Korea to use a nuclear weap-  
20   on against the United States.”.

21              (B) North Korea “has spent hundreds of  
22   millions of dollars on nuclear, chemical, and bi-  
23   ological weapons that could threaten our home-  
24   land”.

1                             (C) “North Korea seeks the capability to  
2                             kill millions of Americans with nuclear weap-  
3                             ons.”.

4                             (3) Due to the heightened threat level of con-  
5                             flict with North Korea, the State of Hawaii has  
6                             begun to implement monthly outdoor warning siren  
7                             system tests for the first time since the end of the  
8                             Cold War.

9                             (4) According to the Hawaii Emergency Man-  
10                             agement Agency, a North Korean ballistic missile  
11                             would reach Hawaii approximately 20 minutes after  
12                             launch.

13                             (5) According to the Missile Defense Agency,  
14                             “sophisticated ballistic missile technology is available  
15                             on a wider scale than ever to countries hostile to the  
16                             U.S. and our allies. As those countries continue to  
17                             develop and exchange this technology, there is also  
18                             an increasing threat of those technologies falling  
19                             into the hands of hostile non-state groups.”.

20 **SEC. 3. REPORT REGARDING BALLISTIC MISSILE CIVIL DE-**  
21                             **FENSE NOTIFICATION PROTOCOLS.**

22                             (a) IN GENERAL.—Not later than 90 days after the  
23 date of the enactment of this Act, the Secretary of De-  
24 fense, in coordination with the Director of the Federal  
25 Communications Commission and the Secretary of Home-

1 land Security, shall submit to Congress a report regarding  
2 current notification protocols regarding ballistic missile  
3 threats. Such report shall include assessments of notifica-  
4 tions required under Federal law or regulations—

5                 (1) after a ballistic missile threat is identified,  
6 including notifications to Federal and State entities;

7                 (2) during a ballistic missile threat, including  
8 communications between Federal and State entities;  
9 and

10                 (3) regarding ballistic missile impact warnings  
11 to Federal and State entities and the general public.

12                 (b) FORM.—The report required under subsection (a)  
13 shall be submitted in unclassified form, but may contain  
14 a classified annex.

15 **SEC. 4. CIVIL DEFENSE EMERGENCY BEST PRACTICES.**

16                 (a) STUDY.—(1) Not later than 180 days after the  
17 date of the enactment of this Act, the Secretary of Home-  
18 land Security, acting through the Federal Emergency  
19 Management Agency, shall conduct a study to identify  
20 best practices of the States selected under paragraph (2)  
21 regarding civil defense emergencies. Such study shall iden-  
22 tify the following:

23                         (A) Plans of each State regarding commu-  
24 nications between State, local, and Federal enti-

1           ties before, during, and after a civil defense  
2           emergency.

3           (B) Plans of each State to communicate  
4           with residents before, during, and after a civil  
5           defense emergency.

6           (C) Plans of each State to educate resi-  
7           dents regarding civil defense emergencies.

8           (D) Security plans of each State and local  
9           law enforcement agencies of each State regard-  
10          ing civil defense emergencies.

11          (E) Contingency plans of each State to de-  
12          liver aid, food, water, and temporary shelter in  
13          a civil defense emergency.

14          (2) The Secretary of Homeland Security shall select  
15          not fewer than 13 States to participate in the study under  
16          this subsection, including—

17           (A) Hawaii, Alaska, California, and Wash-  
18           ington;

19           (B) not fewer than five other States that border  
20           on an ocean or the Gulf of Mexico; and

21           (C) not fewer than five other States that do not  
22           so border an ocean or the Gulf of Mexico.

23          (b) REPORT.—

24          (1) IN GENERAL.—Not later than 180 days  
25          after the date of the enactment of this Act, the Sec-

1       retary of Homeland Security shall submit to Con-  
2       gress a report regarding the following:

3                     (A) The study under subsection (a).  
4                     (B) Deficiencies identified by the Secretary  
5                     in existing State practices regarding civil de-  
6                     fense emergencies.

7                     (C) Best practices identified by the Sec-  
8       retary regarding civil defense emergencies.

9                     (D) Best modes and methods used to pro-  
10          vide public instructions once a civil defense  
11          emergency is declared.

12                     (E) Plans of the Secretary to improve out-  
13          reach to the general public regarding civil de-  
14          fense emergencies.

15                     (2) FORM.—The report required under this  
16          subsection shall be submitted in unclassified form,  
17          but may contain a classified annex.

18                     (3) DISSEMINATION TO THE STATES.—Not  
19          later than 270 days after the date of the enactment  
20          of this Act, the Secretary of Homeland Security  
21          shall disseminate the unclassified portions of the re-  
22          port required under this subsection to the chief exec-  
23          utive of each State.

1   **SEC. 5. INCIDENT REPORTS REGARDING THE BALLISTIC**  
2                   **MISSILE FALSE ALARM THAT OCCURRED ON**  
3                   **JANUARY 13, 2018.**

4       (a) IN GENERAL.—Not later than 60 days after the  
5   date of the enactment of this Act, each key official shall  
6   submit to Congress an unclassified report, with a classified  
7   annex if necessary, regarding the actions of the respective  
8   Federal department or agency of the key official with re-  
9   spect to the ballistic missile false alarm that occurred on  
10   January 13, 2018, in the State of Hawaii. Each report  
11   under this section shall include recommendations of the  
12   key official who submits each such report regarding cor-  
13   rective actions that such key official determines will dimin-  
14   ish the possibility of another ballistic missile false alarm.

15     (b) PUBLICATION.—Each key official who submits a  
16   report under subsection (a) shall publish on a publicly  
17   available website of the respective Federal department or  
18   agency of each such key official the unclassified portion  
19   of each such report.

20     (c) KEY OFFICIAL DEFINED.—In this section, the  
21   term “key official” includes—

22                  (1) the Secretary of Defense;  
23                  (2) the Administrator of the Federal Emer-  
24                  gency Management Agency; and  
25                  (3) the Director of the Federal Communications  
26                  Commission.

1     **SEC. 6. PUBLIC HEALTH RECOMMENDATIONS.**

2         (a) REPORT.—Not later than 180 days after the date  
3     of the enactment of this Act, the Secretary of Health and  
4     Human Services, acting through the Office of the Assis-  
5     tant Secretary for Preparedness and Response of the De-  
6     partment of Health and Human Services, shall submit to  
7     Congress and publish online a report regarding the ability  
8     of the Department and health care providers to respond  
9     to attacks in the United States with biological, chemical,  
10   radiological, or nuclear weapons. The report under this  
11   section shall include the following:

12             (1) Assessments of current readiness of the De-  
13     partment and health care providers to respond to  
14     such attacks.

15             (2) Recommendations to Congress and to  
16     health care providers that the Secretary determines  
17     will improve readiness described in paragraph (1).

18         (b) OUTREACH.—Not later than 180 days after the  
19     date of the enactment of this Act, the Secretary of Health  
20     and Human Services shall develop and implement a public  
21     outreach program in coordination with State and local  
22     government entities regarding recommendations contained  
23     in the report required under subsection (a).

24         (c) GRANTS.—The Secretary of Health and Human  
25     Services shall take into consideration the recomme-  
26     dations in the report required under subsection (a) when

1 issuing grants under the Public Health Emergency Pre-  
2 paredness cooperative agreement and the Hospital Pre-  
3 paredness Program.

4 **SEC. 7. DEFINITION.**

5 In this Act, the term “State” means each of the sev-  
6 eral States of the United States, the District of Columbia,  
7 and any territory, commonwealth, or possession of the  
8 United States.

